

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00159

GUY W. ESCUE, III

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On September 21, 2020, the United States of America appeared by Nicholas Miller, Assistant United States Attorney, and the defendant, Guy W. Escue, III, appeared in person and by his counsel, Paul E. Stroebe, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a twenty-seven (27) month term of supervised release in this action on January 16, 2020, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on August 23, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed violations of law in that he unlawfully possessed a controlled substance inasmuch as on March 10, 2020, he tested positive for methamphetamine, and the defendant having admitted to the probation officer that he used approximately one "line" of methamphetamine approximately two days prior; (2) the defendant failed to participate in and successfully complete the nine to twelve month program at Recovery "U" in that he was admitted to the residential substance abuse treatment program on January 16, 2020, and on March 27, 2020, he was discharged from the program for leaving the previous night without permission; (3) the defendant failed to participate in counseling and drug screens at the court's contracted treatment provider as directed by the probation officer on March 30, 2020, and since that date the defendant has absconded from supervision; and (4) the defendant failed to respond to the probation officer's letter to him dated May 11, 2020, that was mailed to the address provided to the probation officer by the defendant, the letter being returned to the probation officer on May 19, 2020, as no such number; all as

admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS and ONE (1) DAY, with no further term of supervised release imposed.


On motion of the defendant in open court, the court recommends that the Bureau of Prisons recalculate the defendant's good-time credit that he received on his original

sentence of conviction in this case and, if he is found entitled to credit not given him, that the credit be applied to the above sentence imposed herein for violation of the conditions of his supervised release.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 21, 2020

  
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John T. Copenhaver, Jr.  
Senior United States District Judge